

8100 SCHOOL LUNCH PROGRAMS

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Statement of Purpose

The purpose of school lunch programs is to safeguard the health and well being of Vermont's children, to assist the schools to serve nutritious lunches to children each school day, and to teach and model good nutrition habits in the schools.

8110 Statutory Authority: 16 VSA §1262b, 42 U.S.C. §1751 et seq.

8111 Grants from state or federal funds to school boards pursuant to 16 VSA §1262a(a) shall be awarded in a manner consistent with the National School Lunch Act as amended from time to time and its accompanying regulations found in Title 7 of the Code of Federal Regulations as amended from time to time.

8112 Each recipient school board as that term is defined in 16 VSA §1261a shall adopt, maintain and update as necessary a policy on the provision of school lunches in accordance with these rules and state and federal law and regulations.

8113 In the 1988-1989 school year, and as federal requirements are amended, the Commissioner shall provide to each recipient school board a copy of the relevant federal regulations governing school lunch programs. In addition, in the 1988-1989 school year and as federal requirements are amended, the Commissioner shall provide to each recipient school board a summary of federal eligibility requirements for school lunch programs, as well as requirements relating to confidentiality, non-discrimination, nutritional standards, and financial accountability.

8120 In any fiscal year, no more than ten percent of state funds made available for school lunch programs pursuant to 16 VSA §1262a(a) may be awarded for the purchase of equipment for school lunch programs. The remainder of state funds must be awarded for the operation of school lunch programs on a per meal basis. Requests for funds from the state board to purchase equipment for school lunch programs shall be made on a form developed by the Commissioner and awards made on the basis of criteria developed by the Commissioner. Such criteria shall be designed to equitably distribute available funds to programs most in need and at minimum shall require consideration of the following factors:

- (1) Percentage of children eligible for free and reduced-price meals,
- (2) Condition of existing equipment,
- (3) How new equipment will improve the food service program, and
- (4) Local matching funds available.

8130 All prior state board regulations governing the operation of school lunch programs are hereby repealed.

Child and Adult Care Food Program

8200 Approval of New Family Day Care Home Sponsors

8210 Purpose

The purpose of the Child and Adult Care Food Program (CACFP) is to ensure that nutritious meals are available to children and adults in day care settings. Federal regulations require that home day care providers participate in the program through a sponsoring organization. This structure assures that home day care providers receive the support, training and monitoring needed to accomplish the goals of the program.

Sponsoring organizations can best provide these services under the following conditions:

The organization has sufficient administrative capacity to meet accounting, record keeping and monitoring requirements.

A variety of support and training services are made available to providers which can enhance the home day care experience for children and ensure compliance with day care and food program regulations.

Sponsoring organizations have specific areas to serve so that competition among organizations for homes does not lead to interruptions or duplication of service or poor compliance with program regulations and day care providers have one local organization to deal with.

8220 Process

Any new organization applying for sponsorship must demonstrate a need for services in the requested geographic area.

Therefore, the approval process for new sponsors of family day care homes in the CACFP shall be as follows:

- 8221 A potential new sponsor shall submit a letter of request for an application to the Commissioner of Education (hereinafter “Commissioner”) which delineates the area the organization proposes to serve.
- 8222 The Commissioner or his or her designee shall inform current sponsors within ten days that the letter of request for an application has been received.
- 8223 The applicant organization shall complete a CACFP proposal (hereinafter “proposal”), on a form provided by the Commissioner, which includes the following:
 - a. A list of at least 40 non-participating home day care providers who are located in the service area described in the letter of request and who have indicated that they wish to enlist in the program, as well as copies of the 40 providers’ day care registrations. In addition, the applicant organization must demonstrate that the number of day care homes they have potentially recruited represents a sufficient number to make a viable sponsorship in light of the proposed structure of the applicant organization.
 - b. Board of Directors information including names, titles, and functions of members, proof of the organization’s tax exempt status, and copies of previous year’s audit summary.
 - c. Documentation of financial and administrative capability for program operations including information about the history of the organization’s management of other federal programs, if any.
 - d. A management plan describing employee names, specific job descriptions, an organizational chart, and a program budget.
 - e. A description of general employment policies including office hours, hiring and termination of employees, non-discrimination, and employee salary and benefit levels.

- f. A listing of proposed CACFP policies including provider monitoring and corrective action, non-discrimination, hearing/appeals procedures, meal disallowance, monitoring and corrective action.
- g. A plan for outreach activities.
- h. A plan for training both staff and providers.

8224 Upon receipt of notification that a letter of request for an application has been submitted, the Commissioner shall notify all potentially affected sponsors in the area described by the applicant. Any such sponsors may submit documentation regarding recruitment history in the proposed area and the reasons for failure to enroll the non-participating day care homes. This information shall be considered when the proposal is evaluated.

8225 The proposal shall be reviewed for completeness. If any item is incomplete, the applicant shall be informed within 15 days, and the missing/incomplete information requested.

8226 Once a complete proposal has been submitted, it will be evaluated by a team of three reviewers designated by the Commissioner. If the proposal meets the criteria for approval, the organization shall be sent an agreement packet to complete.

8227 The applicant and potentially affected sponsors shall be notified of approval or disapproval within 30 days of receipt of a completed proposal.

8230 Criteria for Approval

Approval for a new day care home sponsor shall be based on the applicant successfully documenting the following:

8231 The needs assessment demonstrates a sufficient number of non-participating home providers in the proposed area to warrant an additional sponsor.

8232 The applicant demonstrates the administrative capacity to maintain the accounts necessary to receive federal funds. Administrative capacity includes bookkeeping systems that meet federal reporting requirements, office support and equipment, and previous experience in managing public funds.

- 8233 The applicant organization has sufficient personnel to provide the training, monitoring, and record keeping required by the program.
- 8234 The applicant organization demonstrates a thorough understanding of the requirements of CACFP and demonstrates competency in menu planning, files management, day care licensing regulations, the day care registration process, and provider review schedules.
- 8235 The applicant organization offers additional services or benefits to the home care providers they propose to sponsor and provides information about how these services improve the day care climate, offer more support for children or enhance the likelihood of compliance with regulations.

8240 Establishment of New Territories

In approving a new sponsor, the Commissioner shall outline the territory to be served either by using the service area described in the application or a portion of it depending on the documentation of need. Once this new territory has been defined, the following process shall be used to realign sponsor areas to re-establish exclusive territories.

- 8241 Beginning ten days after the notice of approval of the application, newly recruited homes in the new sponsor area shall be sponsored by the new agency.
- 8242 Transfer of participating homes from an existing sponsor to the appropriate new sponsor shall occur at the start of the next fiscal year as part of the sponsor renewal process.
- 8243 Should the number of homes to be transferred exceed 25, the transfer may be completed at the beginning of the third federal fiscal year at the discretion of the sponsor from whom the homes will be transferred.
- 8244 The new sponsoring organization and other organizations affected by the approval may agree to a mutually acceptable alternative timetable for transfer of homes, not to exceed two years, so that administrative funds and staffing levels are adjusted gradually.

8250 Appeals Process

An organization whose application for sponsorship is denied or one affected by the approval of a new sponsor shall be given the opportunity to appeal the decision.

- 8251 A written notice of the action taken by the Commissioner shall be sent to the applicant and all affected organizations.
 - 8252 If an organization wishes to appeal the decision, it shall request an appeal in writing within 30 days of the notice of action letter.
 - 8253 The hearing officer shall be the Commissioner of Education or his/her designee.
 - 8254 The appeal procedure shall be as set forth in Rule 1232 of the Vermont State Board of Education Manual of Rules and Practices.
- 8260 Designation of Day Care Home Sponsors and Territories

The following day care home sponsors, until amended in accordance with the procedures set forth herein, shall serve exclusively the following service areas:

- a. Bennington-Rutland Opportunity Council: Bennington and Rutland Counties
- b. Central Vermont Community Action Council: Orleans County, Caledonia County with the exception of the Town of Hardwick, Washington County, Orange County, and Windsor County from Bridgewater to Woodstock and all north of Hartland.
- c. Childcare Resources and Referral Service: Chittenden County with the exception of the Town of Milton.
- d. The Family Center: Franklin and Grand Isle Counties and the Town of Milton.
- e. Lamoille Family Center: Lamoille County and the Town of Hardwick.
- f. Mary Johnson Children's Center: Addison County
- g. Windham Child Care Association: Windham County, Windsor County north to Plymouth, Reading, West Windsor and Windsor inclusive.